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Paper No. 11

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COPY MAILED

OCT 04 2002

OFFICE OF PETITIONS

In re Application of	: DECISION ON PETITION TO
Rendahl, Bogart, and Webster	: WITHDRAW HOLDING OF
Application No. 09/818,684	: ABANDONMENT AND
Filed: 28 March, 2001	: DECISION ACCORDING STATUS
Attorney Docket No. 47382.000122	: UNDER 37 CFR 1.47(a)

This is in response to the renewed petition filed under 37 CFR 1.47(a)¹ on 30 September, 2002. This is also a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment filed on 30 September, 2002.

The petition is **GRANTED**.

The application was held abandoned on 31 July, 2001, for failure to file a timely reply to the Notice to File Missing Parts mailed on 30 May, 2001, which set a two (2) month period for reply. Notice of Abandonment was mailed on 16 September, 2002.

Petitioners argue that a reply to the Notice mailed on 30 May, 2001, was timely filed. In support, petitioners point to the petition under 37 CFR 1.47(b) and five (5) month extension of time filed on 28 December, 2001. As the petition and extension of time formed a timely and complete reply to the Notice mailed on 30 May, 2001, the application is not abandoned.

¹A grantable petition under 37 CFR 1.47(a) requires:
(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee; and
(4) a statement of the last known address of the non-signing inventor.

The holding of abandonment is withdrawn, and the Notice of Abandonment mailed on 16 September, 2002, is vacated.


Petitioners have shown that the non-signing inventors, Craig S. Rendahl and Jason Webster, have refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the declaration of facts of registered patent attorney Sean L. Ingram establishes that joint inventor Rendahl was mailed a copy of the application papers but has failed to execute the declaration. Furthermore, petitioners have previously established, in the petition under 37 CFR 1.47(b) filed on 28 December, 2001, that joint inventor Webster was mailed a copy of the application papers but failed to execute the declaration. Joint inventor Bogart has now joined in the filing of the application by signing the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (703)308-6918.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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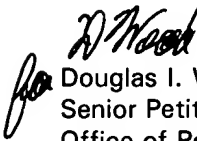
In re Application of
Rendahl et al.
Application No. 09/818,684
Filed: 28 March, 2001
For: DATA PROCESSING AND VALIDATION

Dear Mr. Rendahl:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


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